

7. W. Bullock – B.9 Use of Force

I. POLICY

This policy establishes guidelines related to the use of force, reporting, review, and analysis.

The Vance County Sheriff's Office recognizes and respects the value and special integrity of each human life. By vesting deputies the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required. Therefore, it is the policy of the Vance County Sheriff's Office that deputies shall use only that force which is reasonably necessary to effectively bring an incident under control while protecting the lives of the officer or another. Deputies shall use physical force in arrest and custody situations only in strict conformance with the United States Constitution, laws of North Carolina, and this policy.

Approved Weapons

- A deputy shall, while on or off duty, only carry weapons and ammunition authorized or approved by the Sheriff.

Impact Weapons

- The riot and expandable (ASP) batons are the only impact weapons issued to deputies of the Vance County Sheriff's Office. Deputies must complete the appropriate training prior to receiving authorization to carry or use these weapons.

Chemical Agents

- Only Sheriff's Office issued chemical agents may be carried and used by deputies of the Vance County Sheriff's Office.
- Prior to the issuance of Oleoresin Capsicum Spray (OC Spray), all deputies shall receive training in its use, which will include instruction and actual application to afford the deputy an understanding of the effects. Any use of OC Spray other than in a training situation or spraying of animals for self-protection shall be reported as required by this policy.

Use of Other Chemical Agents

- Authorization to employ tear gas or other chemical agents in riot situations or for other applications involving large numbers of people must be obtained from the Sheriff's Office Captain or higher authority or his/her designee. Any use of tear gas or chemical agents except in a training situation must be reported on the appropriate Incident Report.

Electronic Control Device (ECD)

- Prior to the issuance of an electronic control device, all deputies shall receive training in its use, which include demonstration and application to afford the deputy an understanding of the effects. Any use of an electronic control device other than in a training situation shall be reported as required by this policy.

Issuance of Authorized Weapons

- Prior to the issuance of any lethal or less than lethal weapon, the Sheriff's Office Operations Lieutenant, Armorer, Captain, or Firearms Coordinator shall review, inspect, and approve all weapons intended for use by deputies in the performance of their duties. Any weapon found to be unsafe shall be removed from service until such time it is repaired by a qualified technician. A record of each approved weapon issued by the Sheriff's Office shall be maintained by the Vance County Sheriff's Office Armorer.

Issuance of Specialty Firearms

- Prior to the issuance of any specialty firearm to a deputy, the Sheriff's Office Armorer or his/her designee shall conduct a pre-qualification pistol proficiency examination and an Internal Affairs review shall be requested of any prospective Specialty Firearm candidate alleging excessive force. The minimum duty handgun proficiency required to be considered for further participation and training is at least 80%. Specialty Firearm training and qualification shall also require completion with a score of at least 80% proficiency. Rifle candidates shall complete the approved Rifle Operators Course with a qualification score of at least 80% proficiency.

Use of Weapons

- Weapons shall be used in accordance with the deputy's training and Sheriff's Office policy. Careless or imprudent use of weapons is prohibited. The term deadly is synonymous with lethal and the term non-lethal and non-deadly are synonymous with less than lethal.

Remedial Training

- A deputy who fails to demonstrate required proficiency with either a lethal or non-lethal weapon shall receive remedial training with said weapon by a certified weapons instructor prior to resuming official duties.

II. DEFINITIONS

Display of Firearm. Displaying the weapon includes the removal of the pistol or the pointing of any firearm at a suspect in order to control a situation. Displaying of the weapon does not include removal of the pistol while conducting a building

search, executing a search or arrest warrant or other non-traffic enforcement situation where no subject is located or controlled by the use of the firearm.

Lethal Force. The application of any instrument or technique which is likely to produce death or serious physical injury under the circumstances of its use. Such instruments include, but are not limited to: firearms, blackjacks, flashlights, riot batons, nightsticks, knives, or automobiles.

Serious Bodily Injury. Bodily injury that creates a substantial risk of death or is likely to cause permanent disfigurement, coma, protracted, or permanent condition. It is an injury that causes extreme pain, prolonged or permanent loss or impairment of the function of any bodily member or organ that result in prolonged hospitalization.

Use of Firearm. Discharging the weapon (i.e. pistol, shotgun, rifle, etc.) or using it as an impact weapon.

III. USE OF LETHAL FORCE

General Guidelines

- Deputies shall use **lethal** force only in conformance with the Constitution and laws of North Carolina.
- **Imminent** shall be synonymous with the term immediate.

General Statute § 15A-401(d)(2) states, in pertinent part:

A law-enforcement officer is justified in using deadly physical force upon another person only when it is or appears to be reasonably necessary thereby:

- To defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force
- To effect an arrest or to prevent the escape from custody of a person who he reasonably believes is attempting to escape by means of a deadly weapon, or who by his conduct or any other means indicates that he presents an imminent threat of death or serious physical injury to others unless apprehended without delay

Nothing in this subdivision constitutes justification for willful, malicious, or criminally negligent conduct by any person which injures or endangers any person or property, nor shall it be construed to excuse or justify the use of unreasonable or excessive force.

Warning Required

Prior to using lethal force, deputies must give a verbal warning if feasible.

IV. USE OF LESS THAN LETHAL FORCE

General Guidelines

Where **lethal** force is not authorized, a deputy should assess the situation in order to determine which less than lethal technique or weapon will best de-escalate the incident to bring it under control in a safe manner.

A deputy is authorized to use agency-approved less than lethal force techniques, issued equipment, and/or canine for resolution of incidents as follows:

- To protect the deputy or another from physical harm
- To restrain or subdue a resistant individual
- To bring an unlawful situation safely and effectively under control
- To effect an arrest or prevent escape from custody of a person whom the deputy reasonably believes has committed a criminal offense unless the deputy knows the arrest is not authorized

The amount of force, which may be used in attaining a lawful compliance, will be determined by the surrounding circumstances, including but not limited to:

- The nature of the offense
- The behavior of the subject against whom force is to be used
- Actions by third parties who may be present
- The feasibility or availability of alternative actions

Deputies are not permitted to use a less than lethal defensive weapon unless qualified in its proficient use as determined by training procedures. All proficiency training must be monitored by a certified defensive tactics instructor. All deputies authorized to carry weapons are required to receive in-service training at least annually on the agency's use of force policies and demonstrate proficiency with all approved lethal and less than lethal weapons including any restraint techniques that deputies are authorized to use. In-service training for lethal and less than lethal weapons will be documented either on the deputy's training record and/or on a Firearms Qualification Record (F-9A).

The following less than lethal defensive weapons are authorized for on and off duty use, expandable baton, riot baton, O.C. Spray, and other weapons which may be issued by the Sheriff's Office. Under **no** circumstances are deputies authorized to carry an electronic control device (ECD) while off duty. All personnel will follow proper reporting procedures as outlined in Section VIII of this policy).

V. MEDICAL ASSISTANCE

Deputies shall make the scene as safe as possible and shall afford medical assistance to injured persons considering:

- Amount and type of force used
- Any apparent or probable injuries
- Statements made by the person(s)

Medical assistance afforded shall be the same as for any other individual with similar injuries including:

- First aid administered by the deputy within the limits of the affected deputy's level of training
- Calling or offering to call emergency medical services as appropriate

Deputies may elect to transport injured suspects by patrol vehicle to a medical facility for examination or treatment based on potential security risks, danger presented by the suspect, and other explainable facts.

VI. ADMINISTRATIVE LEAVE AND REVIEW

Deputies whose actions or use of force results in a death or serious physical injury to anyone shall be removed from their normal duty assignment and assigned Administrative Duties by their Division Commander pending an administrative review. The Division Commander who places the affected deputy on Administrative Duties shall follow-up in writing in the form of a memorandum outlining the reason for the Administrative Duties and the deputy's limitations while on Administrative Duties. The memorandum shall be completed no later than the first scheduled workday after placing the deputy on Administrative Duties. The memorandum shall be immediately forwarded to the Sheriff's Office Captain. Administrative leave is not limited to shootings but shall include actions or uses of force, which result in a death or serious injury.

A supervisor shall order a deputy to take a drug test to eliminate the possibility that drug use may have affected the deputy's actions or judgment in any case where the deputy:

- Discharges his/her weapon resulting in bodily injury to himself/herself or another
- Is involved in a fatal motor vehicle collision
- Is involved in a motor vehicle collision which results in an apparent serious bodily injury

A deputy on Administrative Duties **may** be required to surrender his/her issued patrol vehicle, firearms, uniform badges, and identification credentials.

A deputy assigned Administrative Duties may not wear a uniform or drive or ride as a passenger in an assigned patrol vehicle to and from the work place. The deputy shall be responsible for providing personal transportation to and from the work place. Upon the approval of the appropriate supervisor, the affected deputy may be transported to a doctor's appointment, court, meal break, or any other administrative function. At **no time** will a deputy assigned Administrative Duties be allowed to ride as a passenger in an authorized patrol vehicle during non-work hours. Suitable business attire must be worn and all regulations in this manual must be complied with when performing these assignments. A deputy's Administrative Duties assignments shall not include enforcement action.

Deputies who are involved in any critical incidents shall be referred to a Licensed Physician, approved by the Office of the Sheriff for evaluation, and to determine his/her fitness-for-duty.

VII. WEAPONS AND AMMUNITION PROCEDURES

Authorized Weapons – On and Off Duty

- On Duty
 - Service pistols and magazines shall be loaded to capacity with Sheriff's Office issued ammunition. Shotguns shall be loaded to magazine capacity with Sheriff's Office issued ammunition, with the firing chamber empty. Rifles shall be unloaded; with issued magazines loaded with Sheriff's Office issued ammunition in accordance with the deputy's training, and authorized weapons shall be readily available. Authorized weapons are only those, which have been issued by the Sheriff's Office. Deputies shall carry only Sheriff's Office-issued approved weapons and ammunition as their primary on-duty weapon.
 - Deputies while on/off duty, and operating an official patrol vehicle, while not wearing an approved Sheriff's Office uniform, shall have on their person his/her issued service pistol and official Sheriff's Office identification credentials. While wearing civilian clothing, the deputy shall not make a public display of his/her firearm or remove it from its holster except for lawful purposes. The only exception to this policy is when a deputy is attending a closed meeting, (i.e. Law Enforcement Only) the deputy may secure his/her service pistol in the trunk of his/her Patrol Vehicle while actively involved in the meeting.
 - A deputy's personally-owned firearm approved by the Sheriff for back-up or off duty use in compliance with this directive, may be carried as a back-up firearm. Deputies are not required to carry a back-up firearm while on duty, but may do so at their discretion after qualifying with said weapon in

accordance with NC Criminal Justice Training and Standards requirements by a certified firearms instructor.

- When carried, shotguns and rifles shall be kept secured in the patrol vehicle except when removed in the line of duty. Deputies shall remain constantly aware of the type of ammunition loaded into their firearms. Shotguns and rifles shall be periodically checked for the type and variety of ammunition with which they are loaded. Deputies shall promptly replace any ammunition suspected to be faulty via their immediate supervisor.
- Issued rifles shall be used when the deputy determines that a weapon capable of firing a single projectile at close range, extended range, or confined areas is necessary.
- Deputies may purchase a spare magazine, meeting Sheriff's Office specifications, for the issued pistol.
- The additional magazine may be carried in the Patrol vehicle for on-duty use, with prior approval of the affected deputy's immediate supervisor. Additional magazines shall be manufactured by a reputable firearms manufacturer.
- The use of lead or cast bullets in firearms practice causes a build-up of lead in the feed ramp and barrel, which could result in a malfunction or a failure to feed properly. Therefore, deputies shall fire only jacketed ammunition in the issued and personally owned, back-up, or off-duty semiautomatic pistol.
- Off-Duty and Back-Up Firearms
 - In strict conformance with federal and state law and this policy, deputies are authorized to possess and carry a concealed firearm (either their issued service firearm or an authorized personal firearm) while off duty. Use of off-duty weapons shall be reported immediately to a supervisor. The same reporting procedures will apply as an on-duty incident.
 - Prior to carrying a personally-owned firearm off-duty or as a back-up weapon, the deputy shall have the weapon inspected by the Sheriff's Office Firearms Instructor. The Firearms Instructor may approve or reject the use, or the type and caliber of the firearm requested in accordance with Sheriff's Office policy. If the firearm is approved for off-duty or back-up use, the Firearms Instructor shall certify the qualification by the deputy with the personally-owned weapon, and forward the Firearms Qualification Record (F-9A) to the Sheriff's Office Armory Officer or designee to be placed in the deputy's personal firearms file.
 - A deputy who elects to carry his/her Sheriff's Office-issued or personally owned firearm(s) while off duty will be required to have in his/her

possession the official badge and identification holder identifying him/her as a sworn deputy of the Vance County Sheriff's Office.

- Each personally owned firearm and ammunition approved for back-up or off duty use must be documented on a Firearms Qualification Record (F-9A) and maintained by the Armament Officer or designee, who shall place the Record in the deputy's personal firearms file. If at any time or for any reason a deputy elects to discontinue the use of a personally-owned firearm for back-up or off duty use, the deputy shall notify the Armament Officer immediately, via memorandum through the chain of command, indicating the effective date and reason for discontinued use.
- A deputy must qualify with the approved personally owned firearm that is intended to be used as an off-duty or back-up weapon on an annual basis. The course of fire for qualifying will be the same (or similar in nature as the type of firearm will allow), as currently required for the Sheriff's Office-issued firearm. A failure to qualify shall automatically suspend the authorization to carry the personally owned firearm. The deputy may not carry the firearm until satisfactory qualification and approval of the Firearms Instructor.
- Only those firearms and ammunition of the type and caliber approved by the designated Firearms Instructor will be carried as back-up or off-duty.
 - Firearms carried as back-up or off-duty shall be no smaller than a .32 or .380 caliber and no larger than a .45 caliber. These weapons shall be of a good quality, produced by a recognized manufacturer, and appear to be in good working order, and the mechanisms shall not be modified except as provided in the manufacturer's owner's manual.
 - Ammunition used for qualifying or while carrying personally owned, back-up, or off-duty firearms shall be provided by the individual deputy and must be from a commercial manufacturer, approved by the Firearms Instructor. Deputies must qualify with the ammunition they intend to carry in the firearm, which shall be documented on the Firearms Qualification Record (F-9A). **Ammunition must be service grade (not reloaded or remanufactured).**
 - The size of the Sheriff's Office-issued pistol may prevent proper concealment; therefore, discretion must be used in carrying this weapon off duty.
 - Deputies who practice while off duty with issued weapons shall comply with all policies regulating the use of firearms.
- A deputy shall not consume or have remaining in his/her body any alcohol previously consumed or be under the influence of alcoholic beverages or any impairing substance while handling a firearm or while possessing any firearm away from his/her own premises.

- Deputies shall not make a public display of a firearm or remove it from its holster while off duty except for lawful purposes.
- A deputy who has been relieved of duty pending an investigation, on disciplinary suspension, or is required to surrender his/her issued firearms for any reason, or is otherwise prohibited from exercising powers of arrest, is not authorized to carry a concealed, personally owned firearm while off duty during the period the deputy is relieved of duty, or on disciplinary suspension.

Firearms Procedures

- A deputy shall never fire warning shots.
- A deputy shall not remove side arms from holsters except for authorized use in accordance with this policy, for inspection by a superior officer, or for other authorized purposes.
- A deputy shall not permit any person, other than another deputy, to use Sheriff's Office firearms.
- The killing of an animal is justified:
 - For self-defense
 - To prevent harm to the deputy or another person
 - When the animal is so badly injured as to require that it not continue to suffer. In the case of livestock, a reasonable effort must be made to contact and notify the owner. If the owner cannot be contacted within a reasonable period, the deputy may take the necessary action. Incidents involving game and non-game animals under the jurisdiction of the Wildlife Resources Commission will be reported to that agency using the notification method established by the Sheriff's Office Captain or designee. Incidents involving domestic animals and livestock will be reported to the nearest animal control agency. Neither a Report of Investigation nor a Use of Force/Assault Report needs to be completed when an animal is shot; however, a memorandum outlining the deputy's actions shall be sent to the affected deputy's immediate supervisor within twenty-four (24) hours of the incident, and he/she shall request any used ammunition be replaced as soon as possible.

Shooting at Moving Vehicles

- Discharging a firearm at a moving vehicle involves a possible risk of death or serious injury. There may be a risk of harm to occupants of the suspect vehicle who may not be involved, or involved to a lesser extent, with the actions of the suspect creating the threat.

- Deputies shall not fire at unarmed violators in a moving vehicle unless the deputy reasonably believes that the oncoming vehicle presents an imminent threat of death or serious physical harm to him/her or third person, and no other means are available at that time to avoid or eliminate the danger.
- No deputy shall intentionally position him/herself into the path of a vehicle that is attempting to flee. Whenever possible, the effected deputy shall make a reasonable effort to get out of harm's way if a vehicle is moving toward him/her.

Investigation and Reporting of Firearms Incidents

- A deputy shall immediately report to his/her supervisor every use of a firearm in the performance of his/her duty, either intentional or accidental not related to training. Any time a deputy removes his/her pistol from its holster during an enforcement contact, such action shall be deemed either *display of firearm* or *use of firearm*. For *display of firearm* cases, the deputy shall complete **only** a Use of Force Report, with a narrative that is brief, factual, and to the point. For *use of firearm* cases, the supervisor, in conference with the Division Commander or higher authority, shall carefully examine all the facts and circumstances surrounding the incident, and determine compliance with Sheriff's Office rules, policies, and procedures.
- A deputy involved in a shooting incident, which results in death, or serious personal injury to anyone shall immediately be relieved from normal duty and assigned to administrative duties by his/her Division Commander. The affected Division Commander shall follow the provisions set forth in Section VI (Administrative Leave and Review) of this Policy. The deputy shall be ordered to take a drug test to eliminate the possibility that drug use may have affected the deputy's actions or judgment. The appropriate Division Commander or his/her designee shall immediately begin to collect pertinent information necessary for a preliminary investigation and shall contact the Sheriff's Office Captain, who shall assume direction of the preliminary investigation at the earliest possible time.
- After debriefing of the deputy in accordance with Sheriff's Office policy, if it reasonably appears that the shooting was justified, the deputy may be re-assigned to normal duty by the Sheriff.

Maintenance and Care of Firearms

- All deputies shall keep their Sheriff's Office issued and back-up or off-duty firearms in excellent condition.
- Deputies shall not in any manner alter or tamper with the internal working mechanisms of their Sheriff's Office-issued firearms.

IV. ABUSE OF POSITION

Deputies are prohibited from using their official positions or their official identification cards and badges for:

- Intimidating or harassing of anyone for personal reasons
- Obtaining privileges not otherwise available to them or to someone else
- Avoiding the consequences of illegal acts

Deputies are prohibited from lending their identification cards or badges or any replica thereof to another person or permitting these items to be photographed or reproduced.

V. OBEDIENCE TO ORDERS

Orders of Superior Officers

- Employees shall obey all lawful orders and directions given by superiors and shall obey the instructions given by Vance Central personnel pertaining to assignments and/or emergencies. Such obedience shall be prompt, willing and respectful.

Insubordination

- The failure or deliberate refusal of any personnel to obey any lawful order given by any superior shall be deemed insubordination. Failure to recognize the authority of any superior, show disrespect, or disputing his orders shall likewise be deemed insubordination. Insubordination may also be recognized by any act or word delivered or presented in a disrespectful, mutinous, insolent, curt, patronizing or abusive manner. This shall include personnel of like rank or reversed rank where one has been appointed an acting supervisor over another.

Manner of Issuing Orders

- Personnel acting in a supervisory capacity shall communicate in clear, understandable language, civil in tone, showing respect toward their subordinates, and fellow employees. Orders, directions or other communications shall not be delivered by word or deed showing disrespect, rude, patronizing, abusive or insulting manners

Unlawful Orders Prohibited

- No supervisor or employee shall knowingly and willfully issue any order violating any law or ordinance or agency rule. If in doubt as to the legality of an order, the employee shall in a respectful, discreet manner, request the issuing person to clarify the order or to confer with higher authority.

- Obedience to Unjust Orders
 - Employees who receive orders they feel are unjust or contrary to the Policies or Rules of the Sheriff's Office or the spirit of the Policies or Rules of the Sheriff's Office must first obey such orders to the best of their abilities and may then proceed with appeals or notification to the Sheriff via proper channels.
 - Unjust orders may respectfully be questioned if the safety or well-being of an individual or property is at stake.
- Procedure from Unjust Orders
 - Employees may appeal for relief from orders or instructions which are unjust. Such appeals must be made in writing to the Sheriff via the chain of command as described in the Grievance Procedures policy. Irresponsible or capricious appeals will be considered serious misconduct.
- Reporting Unlawful Orders
 - Any employee receiving unlawful, unjust or improper orders shall at the first opportunity report in writing the facts of the incident, to include his/her own actions to the Sheriff via the chain of command.

Conflicting Orders

- Should any order conflict with any previous order or instruction issued by another superior or with any policy, the employee to whom the order is given shall respectfully call attention to the conflict.
- If the conflict is over the radio, a telephone call shall be attempted to notify the supervisor of the conflict. If a telephone call is not possible, then the employee shall respectfully, discretely and as tactfully as possible explain the conflict. Under no circumstances shall personnel engage in an argument, or any disrespectful or inappropriate communication over the radio.
- If the superior giving the second order does not eliminate the conflict, his/her orders stand and the responsibility of the conflicting order shall be his/hers. If he/she so directs, the last command will be obeyed first.
- Orders will be countermanded or conflicting orders issued only when reasonably necessary for the good of the Sheriff's Office, or the safety of persons or property.

VI. EMPLOYEE'S CONDUCT

Unbecoming Conduct

- Employees shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably upon the Sheriff's Office and in keeping with the high standards of professional law enforcement. Unbecoming conduct shall include any conduct that constitutes unacceptable personal conduct pursuant to County Government Policy, and any conduct which tends to bring the Sheriff's Office into disrepute, or which reflects discredit upon any employee(s) of the Sheriff's Office, or which tends to impair the operation and efficiency of the Sheriff's Office or of an employee, or which violates Sheriff's Office policy.

Truthfulness

- Personnel are required to speak the truth at all times, whether under oath or not, in giving testimony or in connection with any legal official order received or in connection with official duties. In matters of an internal nature, members are required to speak the truth and cannot elect to stand silent if they have information on a matter under inquiry.
- If an employee stands silent, refuses to speak or speaks untruthfully, the employee may be terminated.
- Employees shall not file false complaints or make false charges against other employees or persons, including making false charges against pretrial detainees.

Impartial Conduct

- Personnel while carrying out their respective duties must strictly maintain impartial conduct in word and deed toward complaints, violators, citizens, subordinates and inmates.
- Sworn personnel and detention services personnel shall at all times consider it their duty to be of service to anyone in danger or distress. When certified or qualified to render first aid or other help, personnel may themselves render the aid, and if not qualified then must assist in attempting to find the appropriate help.

Proper Identification

- Employees shall politely give their name and other pertinent identifying information to any violator(s), citizen(s) or inmate(s) when requested to do so, unless such action is likely to jeopardize the successful completion of an assignment.

- Sworn uniformed personnel must properly identify themselves at all times by wearing a name plate properly displayed on their uniform. Uniformed detention officers must properly wear their correct identification credentials displayed on their uniforms.
- Non-uniformed sworn personnel must have their identification available or displayed according to their duty assignment. Plain clothes detention personnel must properly wear their correct identification credentials.
- Civilian employees including detention personnel are prohibited from representing themselves as law enforcement, whether on-duty or off-duty in any capacity. Representation may be construed as outright action or a nuance such as displaying a detention services badge on a belt while in plain clothes. When addressed by another to be a sworn law enforcement officer, the civilian should politely correct the person who addressed him.

Duty to be Courteous and Patient

- Personnel shall at all times be courteous, patient and respectful in dealing with the public as well as fellow employees. All business conversations shall be conducted in a courteous and even-tempered, professional manner. Personnel shall refrain from using foul or insulting language.

Respect for Fellow Employees

- Employees shall treat fellow employees of the Sheriff's Office with the respect due to them as fellow employees. All personnel shall be courteous, civil, and respectful of their superiors and fellow employees whether on or off-duty.
- When employees are addressing or referring to a ranking officer, the proper rank and name shall be used.

Supporting Fellow Employees

- Employees shall cooperate, support, and assist each other in all ethical endeavors at every opportunity and shall not publicly criticize another employee.

Threatening or Insulting Language

- Personnel shall not use threatening or insulting manners in word or deed nor behave in an insubordinate manner toward any superior officer or fellow employee.
- Under no circumstances will an employee make jokes, detrimental references or actions, snide comments or other inappropriate words or actions in reference to a fellow employee, citizen or other person concerning but not limited to race, sex, sexual preference, religion, national origin, creed, or appearance.

Criticism or Circulating Scandalous Stories

- Personnel shall not publicly criticize the actions of any judicial official, District Attorney or any Assistant District Attorney, or other officer of any court by word or deed. Personnel shall refrain from circulating scandalous stories or criticism about employees of the Sheriff's Office or any other governmental employee.

Relationship with the Press

- Employees shall refer all media inquiries to the Sheriff's Office Captain or other appropriate personnel as assigned duties as press officer. Unless authorized by the Sheriff or his/her designee, personnel are prohibited from interaction with the media.
- Incident reports released by the records clerk, is an appropriate action of that position designated by job description.

Reading on Duty

- While on duty in an official Sheriff's Office vehicle, inmate housing area, or when receiving the public in an office setting, personnel shall not read newspapers, periodicals, or similar material except in the line of duty.
- Pornographic material is never allowed in any Sheriff's Office assigned property, unless it has been seized as evidence, and then it must be properly processed as such. Pornographic matter is never allowed in the detention facility.
- It is in the Sheriff's discretion to define pornographic material.

Sleeping On-Duty

- Personnel shall never sleep or give the appearance of sleeping on duty. Uniformed personnel shall not sleep or give the appearance of sleeping anytime while in uniform.

Medication

- Employees taking medication which causes drowsiness or which suppresses or affects normal activity must notify their immediate supervisor prior to reporting for duty, so their supervisor may make a determination as to whether the employee should report for duty or not.

Alcoholic Beverages / Drugs

- Personnel shall not ingest any alcoholic beverages, be intoxicated, or have the odor of alcohol about them while in uniform or on duty. Personnel shall

not consume any amount of alcohol to the extent it renders them unfit for duty.

- Personnel shall not be under the influence of any drug which appreciably impairs their ability to perform assigned duties, whether prescribed or not.
- No employee shall take any alcoholic beverage or illegal substance into any County or Sheriff's Office facility, except in the performance of their official duties. Confiscated alcoholic beverages and illegal substances shall be turned over to the appropriate property supervisor, and stored as directed by the "Evidence / Property Collection, Analysis, and Disposal" policy.

(Note: Employees charged with driving while impaired may be terminated through the administrative process. Such termination can take place prior to any court proceedings, and/or regardless of the outcome of the court case.)

Telephone

- No home or contact numbers are to be given out to anyone outside the agency. The person receiving the request for a contact number may either record the caller's name and number for the employee, or contact the employee in question them self and relay the message. Personnel rosters with home addresses and phone numbers on them are considered confidential.
- Telephone courtesy is a basic but important means of enhancing the professional image of the Sheriff's Office. Office phones are to be answered promptly, courteously, and in a business-like manner.
- Personnel answering Sheriff's Office phones shall speak slowly and clearly.
- Sheriff's Office phones shall be answered with an appropriate greeting for the time of day; give the name of the agency or division and the employee's rank or title, and their name.
 - Example: "Good afternoon, Vance County Sheriff's Office, Sgt. Doe..."
 - Example: "Good evening, Vance County Detention Facility, Officer Doe..."
- If it is necessary to put the caller on hold, politely tell the caller you are placing them on hold and you will be back promptly. If you cannot do what the caller is requesting, such as finding another person, politely tell the caller, and take a message and then deliver the message to the appropriate person.
- Employees shall end calls by an appropriate ending such as "thank you" or "good bye".
- Personnel shall never just hang-up on a caller.

- Persons calling the Sheriff's Office shall be addressed by their correct title such as "Judge, Mr., Ms., Officer, etc".
- Long distance calls should be kept to a minimum. No personal long distance calls shall be charged to any County Owned telephone.

VII. APPEARANCES

Personal Appearance

- Personnel shall be neat and clean in appearance whether working in plain clothes or uniform.
- Plain clothes sworn/civilian personnel shall wear appropriate attire for their assigned duties.

Care of Sheriff's Office, Property, and Vehicle

- Employees are responsible for the proper care of all equipment issued to them. Personnel shall take reasonable precautions for all agency or county property to prevent damage, loss, or destruction.
- If the event of damage, loss, or destructed property, whether intentional or unintentional, a written explanation of the circumstances shall be made to the employee's immediate supervisor, who shall forward the written explanation to the Sheriff's Office Captain. If the loss was willful or caused by negligence on the part of the employee, the employee may be held responsible for the cost of replacing the property in question.
- Personnel shall maintain offices, desks, vehicles, lockers or other work areas or stations, assigned or not, in a clean, neat, and orderly condition.
- Personnel shall clean and pick up after themselves.

VIII. ATTENTION TO DUTY

Employees Always Subject to Duty

- Although certain hours are allotted for the performance of assigned duties, all personnel are subject to report for duty at any time.
- Sworn personnel shall not ordinarily act in a law enforcement capacity when not on duty except in cases of public safety or on direct orders from a superior officer.
- Sworn personnel shall have a working telephone at their residence. They shall have the correct phone number and their correct residence listed in their personnel file in the Sheriff's Administrative Assistant's Office.

- All civilian employees shall have a phone number through which they can be reached. If they have a phone, the correct number shall be listed in their personnel file the Sheriff's Administrative Assistant's Office, along with their current address. If the civilian employee does not have a telephone of any type, a telephone number through which they may be easily contacted. The telephone number shall be listed in their personnel file.
- Deputies and Detention Officers are required to reside within reasonable distance of the Sheriff's Office headquarters building which meets the approval of the Sheriff.

Reporting for Duty

- Employees, unless otherwise directed, shall report for duty or present themselves at the time and place specified. They shall be properly dressed and equipped, and mentally ready to perform their assigned duties.
- An employee who feels he/she can not report for duty, must contact his/her supervisor as soon as possible upon determining he/she will be unable to report for duty, or at least one (1) hour before the time he/she was to begin duty.
- If the immediate supervisor is not available and every effort has been exhausted to contact him/her, the employee must report to another on-duty supervisor, in the same chain of command if at all possible. Word left with clerks, Vance Central personnel, or personnel outside their own chain of command or other inappropriate personnel is unacceptable.
- Employees not reporting for duty as scheduled, and who do not report out as per procedure will be determined to be absent without leave. Personnel found to be absent without leave, must provide adequate proof to be excused from the violation. Those not providing adequate proof will be subject to discipline which may include termination.

Prompt Response to Duty / Calls

- Personnel shall respond to duty assignments without delay, or as directed.
- Personnel shall respond without delay to radio calls for service and calls for assistance. Calls should be answered consistent with normal safety precautions and Motor Vehicle Laws.

Attendance in Court

- Any employee subpoenaed to testify in any trial involving Federal/State Courts, or in any hearing or trial shall notify the Sheriff immediately via the chain of command.

- Whenever an employee is ordered to appear in court on any matter in which his/her presence is required, he/she shall punctual and testify truthfully.

IX. UNSATISFACTORY JOB PERFORMANCE

Deputies shall maintain sufficient competency to properly perform their duties and to assume the responsibilities of their positions. Deputies shall perform their duties in a manner, which will tend to establish and maintain the highest standards of efficiency in carrying out the functions and objectives of the Sheriff's Office.

Examples of unsatisfactory performance include but are not limited to the following:

- Failure to properly supervise subordinates
- Lack of knowledge of the proper application of laws the deputy is required to enforce
- Unwillingness or inability to perform assigned tasks
- Failure to conform to work standards established for the deputy's rank, grade, or position
- Failure to take appropriate enforcement action at any time
- Absence without leave
- Unnecessary absence from assigned duty
- The following will be considered prima-facie evidence of unsatisfactory performance:
- Repeated poor job performance evaluations
- Repeated infractions of policy, regulations, manuals, or directives.

X. SHERIFF'S OFFICE REPORTS

Deputies shall submit all necessary reports on time and in accordance with established Sheriff's Office procedures.

XI. RESTRICTIONS ON ACTIVITIES

Memberships in Unions Prohibited

- Personnel shall not join a labor union nor shall they join any organization:

- that maintains the right of its members to strike;
- that discriminates based on race, sex, creed, religion or national origin;
- that attempts to interfere with the operation of the Sheriff's Office; or
- which might in any way exact prior consideration and thus interfere with the efficient, safe and effective operation of the Sheriff's Office or the citizens of Vance County.

Seeking Personal Preferment

- Employees are forbidden to solicit petitions, influence, or intervene on behalf of any person inside or outside the Sheriff's Office for purposes of personal preferment, transfer, advantage, advancement, promotion, or change of duty assignment for themselves or for any other employee.

Soliciting, Accepting Gifts, Gratuities

- Employees shall not accept any gift, gratuity, present, or fee designed to influence or obligate the employee to neglect their duty, violate their oath of office or violate any law, ordinance, policy, rule or regulation of the Sheriff's Office

Rewards

- Other than their lawful salary, personnel shall not accept any gift, gratuity, or reward in money or other compensation for services rendered in the line of duty.

Gifts from Employees

- Employees shall not receive or accept any gift or gratuity from another employee, or perform or accept the performance of any deed or action if there is any indication that preferential consideration or obligation is the purpose, or may be the result of such gift or gratuity.

Soliciting Special Privileges

- Personnel shall not use their official positions to solicit special privileges for themselves or others, such as free admission to places of amusement, discounts on purchases, or other favors. "Badge Flashing" is strictly prohibited for this purpose.

Giving Testimonial, Seeking Publicity

- Personnel shall not give testimonials or permit their names or photographs to be used for advertising purposes in affiliation with the Sheriff's Office.

Personnel shall not seek personal publicity, either directly or indirectly in their employment except by expressed permission of the Sheriff.

Acting as Bailer, Accepting Bail

- Pursuant to N.C.G.S. § 15A-541, any peace officer or spouse of a peace officer who becomes a surety on a bail bond for any person other than a member of his or her immediate family is guilty of a class 2 misdemeanor. Accordingly, deputies shall be prohibited from acting as bailers, sureties, or otherwise agreeing to be responsible for any confined person other than for members of their immediate families.
- Personnel shall not receive or accept money to be turned in as a fine or bail for persons charged or cited for infractions, criminal violations or convictions.

Fictitious Illness or Injury

- Deputies shall not fake illness or injury, falsely report themselves ill or injured or otherwise deceive or attempt to deceive any official of the Sheriff's Office as to the condition of their health

Recommending Attorneys or Bondsmen

- Personnel shall not suggest, recommend, advise or counsel the retention of any particular attorney or bondsman to any person directly or indirectly interested in the disposition of any criminal or civil court matter involving the Sheriff's Office.

Civil Action

- Personnel shall not use their positions with the Sheriff's Office in an attempt to intimidate anyone with whom they are involved in civil controversy to force settlement in the employee's favor.
- An employee shall not use his position with the Sheriff's Office in an attempt to intimidate anyone involved in a civil or criminal controversy, or to force settlement or decision in any particular favor.

Notice of Suits against Employees

- Any employee having a civil suit filed against him by reason of an act performed by him/her in the line of duty, shall immediately notify the Sheriff in writing, and furnish a copy of the civil complaint, along with a full and accurate account of the circumstances in question attached to a copy of the incident report, if applicable.

Payment of Debts

- Employees shall not undertake any financial obligations which they know or should know they will be unable to meet and shall pay all just debts promptly. An isolated instance of financial irresponsibility will not be grounds for discipline except in unusually severe cases. However, repeated instances of financial irresponsibility shall be cause for disciplinary action.

Financial difficulty stemming from unforeseen medical expenses or personal disaster shall not be cause for discipline, provided that the deputy is making a reasonable, good faith effort to settle all accounts.

Employees shall not become financially obligated to subordinates or supervisors.

Personal Mail

- Personnel shall not use the agency's address or name for personal mail or billing actions. All personal mail and bills shall sent to the employee's through current home or other personal mailing address, i.e. Post Office Box.

Public Appearances and Statements

- Employees shall not publicly criticize or ridicule the Sheriff's Office, its policies, or other employees by speech, writing, or other expression when such criticism or ridicule directly or visibly affects or would reasonably be expected to directly or visibly affect the operation of the Sheriff's Office.
- Without the official approval of the Sheriff, employees shall not address gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or periodical, or release or divulge investigative information or any other matters pertaining to the Sheriff's Office while holding them self out as having an official capacity in such matters. Official approval may be given to conduct safety programs and otherwise release information concerning safety matters so long as this activity does not conflict with the official position of the Sheriff's Office.

Gambling

- Employees shall not engage in any form of gambling which is in violation of Federal, State, or local laws.

Entering Establishments Selling Liquor

- Sworn employees while on duty, whether in uniform or civilian attire, shall not be in any establishment which is not properly licensed by the State of North Carolina permitting the sales and/or consumption of alcoholic beverages, unless required by performance of duty.

- Sworn employees, while on duty, whether in uniform or civilian attire, are permitted to enter establishment which are properly licensed by the State of North Carolina during their meal break. However, he/she shall not enter this establishment and purchase and/or consume any alcoholic beverage.
- Personnel are prohibited from purchasing and/or transporting any alcoholic beverages in County owned vehicle except for evidence/property purposes.
- Except for duty purposes, while on duty, personnel are restricted from entering any establishment which has the primary purpose of selling alcoholic beverages.

XII. UNAUTHORIZED DISCLOSURE OF INFORMATION

Personnel shall not disclose any confidential Sheriff's Office plans, policies, orders, proceedings, personnel problems, or other information except as authorized by the Sheriff. Detectives, to include vice and internal matters, shall not disclose any classified information except on a "need to know" basis.

This provision is not to be construed to prevent the release of information concerning law enforcement activities which are not confidential.

XIII. CONFIDENTIALITY OF INFORMATION

No employee shall discuss the following outside the Sheriff's Office unless the discussion is justified and work related:

- juvenile court proceedings;
- juvenile arrest records;
- investigative or interview information;
- personnel matters;
- internal affairs and disciplinary proceedings;
- internal operations of special projects;
- organized crime operations;
- any open investigation; and
- other inappropriate matter.

Procedure

- If an employee receives a request for information and is uncertain about classification status of the information, the employee must consult with his/her immediate supervisor before giving out the information. Employees uncertain about information must not release information.

Vice / Narcotics Information

- Organized Crime Information
 - Any employee of the Sheriff's Office who receives information either by phone or in person concerning any vice or narcotics activities will note all pertinent information, to include a call-back telephone number, and immediately pass the information to the supervisor in charge of vice or narcotics. If the vice or narcotics supervisor is not available, the information will be given to a vice or narcotics unit member.
 - If no one from the vice or narcotics unit is available, an on-duty shift Lieutenant may be contacted.
 - Any information received after normal business hours, will be given to the senior duty supervisor. The supervisor shall determine if the on-call vice or narcotics unit member will be contacted, or if a message should be left for follow-up by the appropriate unit.
- Identification of Vice or Narcotics Investigators
 - Under no circumstances will any employee confirm or identify by name or description any member of the Vice or Narcotics Unit to anyone.
 - Any persons seeking such information shall be immediately referred to the Sheriff or the Sheriff's Office Captain.

XIV. SUSPECTS, ARREST, PRISONERS

Accepting Gifts from Suspects, Prisoners

- Employees are strictly prohibited from soliciting or accepting any gift, gratuity, loan, fee, or any other item, or item of value, or from lending or borrowing or from buying or selling anything of value from, or to any suspect, prisoner, defendant, other person involved in any case, professional bondsmen, or other persons who may profit from information or influence obtained from the employee of the Sheriff's Office.
- This shall not pertain to law enforcement personnel while conducting a special operation or undercover investigation. Strict accounting and reporting is required under these circumstances. Enforcement personnel conducting such operations or investigations may not keep any gift, gratuity, loan, fee, or

any other item or item of value obtained pursuant to the operation or investigation.

Reduction of Charges

- Personnel shall not influence the reduction of any charge or the disposition of any charge initiated by them or any other law enforcement official, either directly or indirectly.

XV. POLITICAL ACTIVITY

This agency shall not be in conflict with Vance County's policy for Political Activity located in the Vance County Policy Manual.

- Vance County employees have the right to express their views as citizens, to pursue their legitimate involvement in the political system and to vote. However, no employee shall engage in or be subject to coercion for political purpose.
- Employees shall not conduct themselves in any unprofessional manner nor in any manner that would bring reproach on the Sheriff, the Sheriff's Office, or any of its employees.

Additionally, on duty sworn employees shall stay away from election polling locations except when voting or when dispatched for a call. Sworn employees, while on-duty, shall not take any action at any polling location to influence or which could be construed as influencing voting.

On-duty employees shall not engage in political activities; campaigning; distributing political information or paraphernalia; putting up signs; or actively endorsing or not endorsing any candidate.

Employees of the Vance County Sheriff's Office shall not engage in any activity while on/off-duty which involves the destruction of any candidate's political advertisements or endorsements. Employees who violate this provision of policy shall be subject to disciplinary action up to termination.

Employees of this agency registered to vote shall be given reasonable time to vote in bona fide elections.

Employees going to the polls during duty hours shall go to the poll, vote, and depart immediately after voting. Employees may request of their immediate supervisors time-off to vote, and such request shall be made either in person or by phone. Requests are not to be made by use of the communications radio or through another person.

Any employee working at a polling place during an election shall be either off duty or on vacation. An appropriate leave slip shall be on file prior to the leave being taken.

Any employee, who receives a complaint regarding unlawful or disruptive activity at any voting location, shall immediately notify the Sheriff's Office Captain, who shall take the appropriate action to resolve the complaint.

XVI. AUDIO / VIDEO MONITORING

Vance County Sheriff's Office employees, shall not record, or monitor, either by audio and/or visual devices, anyone, without all parties first being informed of the monitoring or recording.

Exceptions to this policy are:

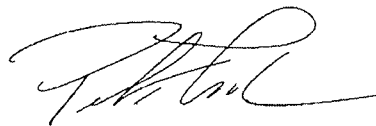
- normal telecommunications functions; and
- investigations of criminal matters.
- WHEN OFFICER SAFETY IS AN ISSUE

XVII. INMATE RELATIONSHIPS PROHIBITED

No employee of the Sheriff's Office shall date, attempt to date, flirt, or make advances toward, or promote a relationship with any inmate.

If an employee has a personal relationship established with someone who is detained in Vance County Detention Facility, the employee shall not be placed in a position to supervise the inmate; nor shall the employee attempt to date, flirt, or make advances toward the inmate that may or appear to be of a personal nature while the inmate is in custody. It is the responsibility of the employee to inform his/her supervisor of a close personal relationship or kinship exists with an inmate in the custody of the Detention Facility.

Employees shall not use official records or other documents of the Sheriff's Office to contact any inmate for the purpose of promoting a personal relationship of any type.



Peter White
Sheriff
Vance County